# H. R. 4507

To require in certain circumstances that States disclose the HIV status of newborn infants to legal guardians of the infants, and for other purposes.

## IN THE HOUSE OF REPRESENTATIVES

May 26, 1994

Mr. Ackerman introduced the following bill; which was referred to the Committee on Energy and Commerce

# A BILL

To require in certain circumstances that States disclose the HIV status of newborn infants to legal guardians of the infants, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Newborn Infant HIV
- 5 Notification Act".
- 6 SEC. 2. STATE DISCLOSURES TO LEGAL GUARDIANS OF HIV
- 7 STATUS OF NEWBORN INFANTS.
- 8 (a) IN GENERAL.—If a State requires that the results
- 9 of the HIV testing of a newborn infant be reported to the
- 10 State (or the State conducts an HIV test of the infant),

1	the State shall promptly disclose the results of the testing
2	in accordance with the following, as applicable to the in-
3	fant involved:
4	(1) To the biological mother of the infant, if the
5	mother is a legal guardian of the infant.
6	(2) If the State is the legal guardian of the in-
7	fant:
8	(A) To the appropriate official of the State
9	agency with responsibility for the care of the in-
10	fant.
11	(B) To the appropriate official of each au-
12	thorized agency providing assistance in the
13	placement of the infant.
14	(C) If the authorized agency is giving sig-
15	nificant consideration to approving an individ-
16	ual as a foster parent of the infant, to the pro-
17	spective foster parent.
18	(D) If the authorized agency is giving sig-
19	nificant consideration to approving an individ-
20	ual as an adoptive parent of the infant, to the
21	prospective adoptive parent.
22	(3) If neither paragraph (1) nor (2) is applica-
23	ble, to another legal guardian of the infant.
24	(b) HIV Counseling.—In disclosing test results
25	under subsection (a) to an individual (other than a disclo-

- 1 sure to an official of a State or an authorized agency),
- 2 the State shall ensure that appropriate counseling on the
- 3 human immunodeficiency virus is provided to the individ-
- 4 ual.

17

18

19

20

21

22

23

24

#### 5 SEC. 3. DEFINITIONS.

- 6 For purposes of this Act:
- 7 (1) The term "authorized agency", with respect 8 to the placement of a child (including an infant) for 9 whom a State is a legal guardian, means an entity 10 licensed or otherwise approved by the State to assist
- in such placement.
- 12 (2)(A) The terms "HIV testing" and "HIV test" mean medically valid testing to determine whether an individual is infected with HIV.
- 15 (B) The term "HIV" means the human 16 immunodeficiency virus.
  - (C) The term "human immunodeficiency virus" means the etiologic agent for acquired immune deficiency syndrome.
    - (3) The term "results", with respect to a HIV test of an individual, means a medically valid determination that the individual is not infected with the human immunodeficiency virus, or is infected with the virus, as the case may be.

## 1 SEC. 4. EFFECTIVE DATE.

- 2 This Act is effective in the case of HIV testing con-
- 3 ducted on or after the date of the enactment of this Act.

 $\bigcirc$